

ORDINANCE NO.

AN ORDINANCE ADDING ARTICLE III TO CHAPTER 16
OF THE MOUNTAIN VIEW CITY CODE, RELATING TO
CONSTRUCTION AND DEMOLITION DEBRIS DIVERSION

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. Section 16.60 of Chapter 16 of the Mountain View City Code,
"Definitions," is hereby added, to read as follows:

"ARTICLE III. CONSTRUCTION AND DEMOLITION DEBRIS DIVERSION.

SEC. 16.60. Definitions.

"For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Applicant. Applicant shall mean any individual, firm, limited-liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the city for the applicable permits to undertake construction, demolition or renovation project within the city.

Construction. Construction shall mean the building of any facility or structure or any portion thereof, including tenant improvements to an existing facility or structure.

Construction and Demolition Debris. Construction and Demolition Debris or "C&D Debris" shall mean used or discarded materials removed from premises during construction or renovation of a structure resulting from construction, remodeling, repair or demolition operations on any pavement, house, commercial building or other structure.

C&D Debris Management Plan. C&D Debris Management Plan shall mean a report, prepared in a form approved by the public works director or designee, submitted as required by Sec. 16.63 below, which identifies all C&D Debris expected to be generated as a result of any covered project and a list of recycling processors to be used for recycling wastes.

C&D Debris Recycling Report. C&D Debris Recycling Report shall mean a report, prepared in a form approved by the public works director or designee that identifies the

amounts of all C&D Debris generated by the project, and the amounts recycled or diverted. Copies of supporting documentation may be required and included as a part of the C&D Debris Recycling Report.

Demolition. Demolition shall mean the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

Divert. Divert shall mean to use material for any purpose other than disposal in a landfill or transformation facility.

Diversion requirement. Diversion requirement shall mean the diversion of a percentage, as determined from time to time by the public works director or designee, of the total C&D Debris generated by a project via reuse or recycling.

Project. Project shall mean any activity, which requires an application for a building or demolition permit, or any similar permit from the city.

Recycling. Recycling shall mean the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace.

Renovation. Renovation shall mean any change, addition or modification in an existing structure.

Reuse. Reuse shall mean further or repeated use of C&D Debris.

Salvage. Salvage shall mean the controlled removal of C&D Debris from a permitted building or demolition site for the purpose of recycling, reuse or storage for later recycling or reuse."

Section 2. Section 16.61 of Chapter 16 of the Mountain View City Code, "Findings and Purpose," is hereby added, to read as follows:

"SEC. 16.61. Findings and purpose.

The City of Mountain View is required by California Public Resources Code Sections 40000, *et seq.*, to prepare, adopt and implement programs designed to divert discarded materials, such as construction and demolition debris, from landfills. Debris generated in construction and demolition projects accounts for a significant portion of the materials disposed of in landfills, and a large percentage of this debris is composed

of recyclable materials. The purpose of this ordinance is to establish a program for recycling and salvaging of construction and demolition waste."

Section 3. Section 16.62 of Chapter 16 of the Mountain View City Code, "Covered Construction and Demolition Projects," is hereby added, to read as follows:

"SEC. 16.62. Covered construction and demolition projects.

All construction, demolition and renovation projects within the city which involve the construction, demolition or renovation of 5,000 square feet or more ("Covered Project") shall comply with the provisions set forth herein. For the purposes of determining whether a project meets the Covered Project threshold, all phases of a project and all related projects taking place on a single parcel or adjoining parcels, as determined by the public works director or designee, shall be deemed a single project."

Section 4. Section 16.63 of Chapter 16 of the Mountain View City Code, "Submittal of C&D Debris Management Plan," is hereby added, to read as follows:

"SEC. 16.63. Submittal of C&D Debris Management Plan.

Applicants for any Covered Project shall submit a C&D Debris Management Plan, identifying all waste materials expected to be generated as a result of the project at the time of development proposal or building permit application."

Section 5. Section 16.64 of Chapter 16 of the Mountain View City Code, "Recovered and Salvaged Materials," is hereby added, to read as follows:

"SEC. 16.64. Recovered and salvaged materials.

It shall be the responsibility of the owner, the general contractor and all subcontractors to recover salvageable materials prior to demolition. Every Covered Project involving demolition of 25 percent or more shall be made available for deconstruction, salvage and recovery at least five (5) working days prior to the commencement of demolition or construction activities. Recovered and salvaged materials shall qualify to be counted in meeting the diversion requirements set forth in Sec. 16.65."

Section 6. Section 16.65 of Chapter 16 of the Mountain View City Code, "Recycling/Diversion Requirement," is hereby added, to read as follows:

"SEC. 16.65. Recycling/diversion requirement.

Applicants for any Covered Project are required to recycle or divert at least 50 percent of materials generated for discards by the project."

Section 7. Section 16.66 of Chapter 16 of the Mountain View City Code, "Submittal of Construction and Demolition Debris Recycling Report," is hereby added, to read as follows:

"SEC. 16.66. Submittal of Construction and Demolition Debris Recycling Report.

Applicant shall submit to the public works director or his or her designee a C&D Debris Recycling Report within sixty (60) days after the completion of any Covered Project, demonstrating that it has met the diversion requirement for the project."

Section 8. Section 16.67 of Chapter 16 of the Mountain View City Code, Imposition of Penalty for Failure to Comply with Diversion," is hereby added, to read as follows:

"SEC. 16.67. Imposition of penalty for failure to comply with diversion.

Any applicant that fails to meet the 50 percent diversion mandate must pay a penalty. The penalty amount shall be equal to the square footage of the Covered Project, multiplied by the difference between 50 percent and the actual project diversion percentage, multiplied by one dollar (\$1) per square foot."

Section 9. Section 16.68 of Chapter 16 of the Mountain View City Code, "Imposition of Late Fee," is hereby added, to read as follows:

"SEC. 16.68. Imposition of late fee.

Any applicant that fails to submit the C&D Debris Recycling Report within sixty (60) days following completion of the Covered Project shall be charged a late fee, in an amount of 10 percent of the diversion penalty fee or one hundred dollars (\$100) per month, whichever is greater."

Section 10. Section 16.69 of Chapter 16 of the Mountain View City Code, "Enforcement," is hereby added, to read as follows:

"SEC. 16.69. Enforcement.

Failure to submit a Construction and Demolition Debris Recycling Report. Any applicant who fails to submit the C&D Debris Recycling Report within one hundred twenty (120) days following completion of the Project shall be subject to civil, criminal or administrative penalties authorized by Sec. 1.7 and 1.18 of the Mountain View City Code."

Section 11. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 12. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 13. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

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